

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

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UNITED STATES OF AMERICA :  
:  
Plaintiff :  
:  
v. : CIVIL NO. 98-1664 (CCC)  
: CIVIL NO. 98-2344 (CCC)

33,92536 ACRES OF LAND, MORE :  
OR LESS, SITUATED IN VEGA BAJA, :  
COMMONWEALTH OF PUERTO RICO, :  
AND JUAN PIZA BLONDET, AND :  
UNKNOWN OWNERS :  
:

Defendants :  
:

\*\*\*\*\*  
DEPOSITION OF:

JULIO TORO McCOWEN

was taken on April 7, 2006 at the offices of the UNITED  
STATES ATTORNEY FOR THE DISTRICT OF PUERTO RICO, Torre  
Chardon, Chardon Avenue, Hato Rey, Puerto Rico,  
commencing at 9:38 a.m.

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EXHIBIT

D

1 Planning Board.

2 EXAMINATION CONTINUED

3 BY MR. PIZA:

4 Q Meaning a variant, is that what they call it  
5 here?

6 A A rezoning.

7 Q In your experience, what it's called, the  
8 zoning office?

9 A It's called the Bureau of Land Use.

10 Q And they are the ones that award variances?

11 A They meet two or three times a year to  
12 consider these cases.

13 Q Are they common, are they very common in  
14 Puerto Rico, variances?

15 A In these coastal area, each time it's getting  
16 harder to get them.

17 Q In '98 going back, towards the past, were  
18 variances common?

19 A It wasn't as difficult as it is now. As all  
20 these issues have come up, all these conflicts between  
21 development and the coastal zone, the state has realized  
22 that if we continued with that practice, we were going  
23 to seriously impact our estuary system, our coastal  
24 estuaries and our marine eco systems.

1 break?

2 (A recess was taken at this time.)

3 EXAMINATION CONTINUED

4 BY MR. PIZA:

5 Q A quick question about the technician. After  
6 the regulations became stricter, after '98, from '98 on,  
7 does the technician now go to the field and checks and  
8 corroborates the information?

9 A The technicians from the Earth Crust Division  
10 always go to the field. In issues of flora and fauna,  
11 since I have three employees who have been there for  
12 less than three years, I go with them to the field,  
13 always.

14 Q But before '98, that was not the case?

15 A We would go to the field but one of the  
16 conditions I had in order to accept the direction of the  
17 division was that I be able to bring over a biologist  
18 from the Technical Assessment Division so that he could  
19 go to the field with them.

20 Q But I'm referring to cases in which the  
21 technicians did not go.

22 A Like I expressed before, that happens in other  
23 divisions.

24 Q I'm going to give you an example here, and

1       we're talking about the same place. We have two squares  
2       here. It's the same property and this is based on your  
3       experience as the Director of Earth Crust.

4           A     You mean as a technician of the department?

5           Q     Yes, correct.

6           A     Not exclusively as --

7           Q     Your experience in general, your capacity  
8       based on what you work on.

9           A     You mean further than my responsibilities as  
10      director of a division?

11        Q     What you have knowledge of.

12        A     Okay.

13        Q     In this case, this represents a tower, here  
14      there is a small, little house and this is a slab of  
15      cement or a parking, a cement slab, something similar to  
16      that, there is something here, the cables, the anchorage  
17      to hold it in place, the tower, and this is the same  
18      place but with nothing on it, obviously we've already  
19      established that there has been an impact on the one  
20      that has the tower.

21        A     Yes.

22        Q     An environmental impact, obviously.

23        A     Yes.

24        Q     Okay. I apply in this case, the one that has

the things on it, for a sand extraction permit and we're talking about 1998 or before that and I also apply for a permit in the one that doesn't have anything for a sand extraction, which of the two would be easier to obtain?

5 A The place that is already impacted.

6 Q Okay.

7           A     If both places are the same. I think they're  
8 pretty much the same, '94 and '99, they're pretty much  
9 the same.

Q Where is the -- The antenna --

11           A     It's around B2, around that area, the antenna  
12           is, more or less, here. The closest that we're going  
13           towards the lagoon, the closer we get to the lagoon, the  
14           environment will be more sensitive. One cannot make an  
15           assumption categorically like that, no.

Q Is CR more, environmentally more sensitive  
than B2?

18 A We're going back to zoning issues of the  
19 Board.

## CROSS EXAMINATION

21 BY MR. TAPTIKK:

22 Q Mr. Toro, your office recently moved  
23 locations from one building in Old San Juan to its  
24 present location in Rio Piedras, is that correct?